

***Meeting Minutes***  
***South Dakota Council of Juvenile Services***  
***June 12-13, 2012***

***Western South Dakota Juvenile Services Center, Rapid City, SD***

Tuesday, June 12, 2012 – Training Room, Western South Dakota Juvenile Services Center

**Council of Juvenile Services Members Present:** Carol Twedt, Mike Leidholt, Nancy Allard, JC Chambers, Victor Erlacher, Liz Heidelberger, Doug Herrmann, Karen Jeffries, Janine Kern, Aaron McGowan, Susan Randall, Ella Rae Stone, Beth O'Toole, Grant Walker, and Virgena Wieseler.

**Council of Juvenile Services Members Absent:** Shawna Fullerton, Kelsey Lambert, Tanner Starr, Joanna Vitek, and Michael Zellmer.

**Others Present:** Bridget Henderson, DOC. CJS Guests, Don Holloway, Pennington County Commissioner and JDAI Co-Chair for Pennington County, Joe Gutierrez, Commander of Western South Dakota Juvenile Services Center, Tamie McMeekin, Juvenile Probation Officer and Court Expeditor for Pennington County, Ashley Rasch and Jay Van Hunnik, Wellspring, Judd Thompson, Seventh Circuit Chief Court Services Officer, Erin Srstka, JDAI Coordinator for Minnehaha County, and Summer Van Veen, JDAI Intern for Minnehaha County.

**1. WELCOME, INTRODUCTIONS AND AGENDA REVIEW**

Vice Chair Mike Leidholt called the meeting to order at 4:08 PM on June 12, 2012. Vice Chair Leidholt welcomed everyone to the meeting and introductions were made.

**2. PENNINGTON COUNTY JDAI PANEL**

Vice Chair Leidholt turned the meeting over to Liz Heidelberger to introduce and facilitate the Pennington County Juvenile Detention Alternatives Initiative (JDAI) Panel at 4:10 PM. Liz Heidelberger introduced Don Holloway, Pennington County Commissioner and JDAI Co-Chair, Joe Gutierrez, Commander of Western South Dakota Juvenile Services Center, Tamie McMeekin, Court Services Officer and Court Expeditor, Ashley Rasch, Coordinator of Evening Reporting Center at Wellspring, Jay Van Hunnik, Director of Wellspring, Judd Thompson, Seventh Circuit Chief Court Service Officer, and Doug Herrmann, Director of Juvenile Services.

Don Holloway discussed his role with Pennington County JDAI which started when he was the Sheriff of Pennington County. Holloway expressed that what intrigued him the most in the beginning was the goal of reducing the number of kids being held in juvenile detention centers and eventually ending up in the adult system. Holloway stated that the burden of finding new alternatives is finding the start up funding and that he would recommend to other communities to look at what they currently have and see if they could mesh JDAI in with current programs. Holloway also noted that another obstacle is that the justice system changes players and that until the system is institutionalized, there will be some periods of time where a community will need to back up and catch the new players up to speed.

Joe Gutierrez provided an overview of the Reception Center located at the Western South Dakota Juvenile Services Center. Gutierrez stated that the top three ages of youth coming to the Reception Center are seventeen, sixteen, and fifteen and the top five offences are probation violation, runaway, failure to appear bench warrant, simple assault domestic violence, and ingesting. Gutierrez also discussed home detention, community monitoring, and community service which are alternatives to detention.

Tamie McMeekin explained her role as the JDAI Court Expeditor, highlighting the daily staffing meetings in which the Risk Assessment Instrument is reviewed to guide recommendations for the youth's court hearing. McMeekin expressed that one of the benefits she has seen is that the families are better educated prior to the court appearance. McMeekin also stated that the greatest lesson she has learned is to trust the JDAI process because it works.

Jay Van Hunnick and Ashley Rasch explained how the Evening Reporting Center is run at Wellspring. Van Hunnick stated that twenty three youth have completed the program since having the first youth on January 30, 2012. Of the twenty three youth, seventy four percent did not reoffend and showed up for their court hearing. Van Hunnick noted that the average number of days attended for those who were unsuccessful were less than three days with the successful ones having an average of seven days in the program.

Judd Thompson expressed that the process JDAI has brought to Pennington County is a process that is objective since the data tells the story and makes the decisions. Thompson stated that change has not come without stress and resistance and that there is a need to develop more alternatives beyond what currently exists. Thompson advised that if JDAI goes statewide, to trust the data and don't give up as it is the right thing to do. Thompson noted the two key messages he was able to take back from JDAI National Conferences that are key messages to apply locally are "How would you like your child to be treated if they were in the system?" and "The kids that get locked up should be the kids that you're afraid of, not the ones you're mad at."

Doug Herrmann discussed his dual roles of being on the Council and on the Steering Committee in Pennington County and how there are Council Members on the Minnehaha County Steering Committee as well. Herrmann noted that the JDAI process has also been successful in DMC throughout the country which is rare to find. Herrmann explained that he was able to participate in the National JDAI Conference in April and be a part of a panel presenting on South Dakota's experience with JDAI. Herrmann also explained that there has been some discussion about expansion of JDAI to the deep-end of the juvenile justice system and that it is a new priority for the Annie E Casey Foundation. Herrmann noted that he was able to attend several sessions at the JDAI National Conference concerning deep-end reform and was able to hear about other state's journeys and how they reallocated funds. Herrmann explained that Pennington County reached out to the Annie E Casey Foundation expressing interest in participating in deep-end JDAI.

Discussion ensued concerning the Risk Assessment Instrument (RAI) overrides, completion time for the RAI, additional alternatives, the cost of alternatives for youth, the role of DSS at the staffing meetings, and delays in hearings for youth.

### 3. TOUR OF RECEPTION CENTER AND WESTERN SOUTH DAKOTA JUVENILE SERVICES CENTER

Commander Joe Gutierrez provided a tour of the Reception Center and Western South Dakota Juvenile Services Center.

### 4. TOUR OF EVENING REPORTING CENTER

Jay Van Hunnik, Ashley Rasch, Jennifer Bangle and provided a tour of the Evening Reporting Center located at Wellspring.

The meeting recessed for the evening at 8:40 PM.

## Wednesday, June 13, 2012 – Training Room, Western South Dakota Juvenile Services Center

**Council of Juvenile Services Members Present:** Carol Twedt, Mike Leidholt, Nancy Allard, JC Chambers, Victor Erlacher, Liz Heidelberger, Doug Herrmann, Karen Jeffries, Janine Kern, Aaron McGowan, Susan Randall, Ella Rae Stone, Beth O'Toole, Grant Walker, and Virgena Wieseler.

**Council of Juvenile Services Members Absent:** Shawna Fullerton, Kelsey Lambert, Tanner Starr, Joanna Vitek, and Michael Zellmer.

**Others Present:** Bridget Henderson, DOC. CJS Guests, Erin Srstka, JDAI Coordinator for Minnehaha County, and Summer Van Veen, JDAI Intern for Minnehaha County.

### 5. WELCOME AND AGENDA REVIEW

Vice Chair Leidholt handed the meeting over to Chair Carol Twedt who asked that the meeting come out of recess at 8:03 AM on June 13, 2012. Chair Twedt welcomed everyone back to the meeting and reviewed the agenda. Chair Twedt recommended that the Annie E Casey Year 3 Budget be discussed prior to the Alternatives to Detention Conference.

### 6. APPROVAL OF MARCH 2012 MEETING MINUTES

***Sheriff Mike Leidholt moved to approve the March 2012 meeting minutes, Judge Janine Kern seconded. Motion carried.***

**7. RATIFICATION OF DECISION FROM MAY EXECUTIVE COMMITTEE CONFERENCE CALL**

Bridget Henderson provided an overview of the May 2, 2012 Executive Committee Call. Henderson explained that the Executive Committee reviewed the updated Three Year Plan for the FY2012 Title II Formula Grant application to be submitted to OJJDP for an amount of \$400,000. Kevin McLain provided an overview of the budget on the call, stressing the cut of \$200,000. Henderson stated that the executive committee approved the application which was submitted to OJJDP on May 7, 2012 and is currently being processed by OJJDP.

***Ella Rae Stone moved to ratify the decision made by the Executive Committee, Judge Karen Jefferies seconded. Motion carried.***

**8. JABG FFY09 BREAKDOWN**

Henderson explained that at the March 2012 CJS Meeting she was asked to provide a breakdown of Juvenile Accountability Block Grant (JABG) subgrant awards for the current FY2009 award ending December 2012. Henderson discussed that the budget is broken down into the four main sections of spend on behalf of, subgrantees, interest, and administration. Henderson provided an overview of the spending in each category and the spending that was done by the subgrantees since the materials were made available that included the breakdown of the budget. Judge Kern asked for more clarification regarding Unified Justice System Training and Probation Support. Nancy Allard explained that the training was for a NCTI training for Juvenile Court Services Officers to conduct truancy classes themselves and that the Probation Support is separate from the community based probation funds from the state and that the funds are used for juvenile that have needs that cannot be funded from community based probation support.

**9. 2012 JABG AND FORMULA GRANT AWARDS**

Henderson explained that the FY2012 JABG application was submitted to OJJDP on March 30, 2012 and that the State of South Dakota was awarded \$152,029 on May 25, 2012 which is the amount that was available for the state to apply for. Henderson noted that the FY2012 Formula application was also submitted to OJJDP and that the application is being processed.

**10. APPROVAL OF NATIVE AMERICAN PROGRAMS AND BUDGET UPDATE**

Henderson discussed the current status of the three NAP subgrantees which have grants through June 30, 2012. Henderson explained that Cheyenne River Sioux Tribe and Standing Rock Sioux Tribe both had their Probation Officers leave part way through the grant period, so they may be using the funds for alternative uses to fully expend the grant.

Henderson provided an overview of the four Native American Programs applications from Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, Sisseton Wahpeton Oyate, and Standing Rock Sioux Tribe. Henderson explained that Lower Brule Sioux Tribe is the only new applicant of the four applications and that Cheyenne River Sioux Tribe, Sisseton Wahpeton Oyate, and Standing Rock Sioux Tribe all proposed to use the money for a Juvenile Probation Officer. Henderson explained the Lower Brule Sioux Tribe proposed to have talking circles for male juvenile probationers led by two adult males to reduce substance abuse, truancy, and gang activity through increased self-respect and respect for others that are Lakota traditions and values. Henderson stated that the only concern is that the youth would also be attending sweat ceremonies which may be viewed as a conflict of church and state and that OJJDP would have to approve the use of federal funds associated with the ceremonies. Henderson stated that she had reached out to OJJDP and was waiting on a response. Discussion ensued concerning how sweats have been paid for in different facilities in the state and the breakdown of the Lower Brule application budget.

***Sheriff Leidholt moved to approve Cheyenne River Sioux Tribe, Sisseton Wahpeton Oyate, and Standing Rock Sioux Tribe and to approve the non sweat related expenses with the sweat related expenses conditional on approval from OJJDP for Lower Brule Sioux Tribe, Doug Herrmann seconded. Sheriff Leidholt amended his motion to include if activities are not approved by OJJDP, DOC staff will work with Lower Brule Sioux Tribe to reallocate the associated sections of the budget and bring the amended budget to the Executive Committee for approval, Doug Herrmann seconded. Motion carried.***

Henderson presented the recommendation from the DOC to have the four approved NAP Subgrantees be on a three year funding cycle. Discussion ensued concerning the cuts in federal funding and having the opportunity for new tribes to participate.

***Dr. Susan Randall moved to have the four NAP awards be a two year funding cycle, Dr. JC Chambers seconded. Motion carried***

#### 11. APPROVAL OF TITLE V SUBGRANTS AND UPDATED TITLE V TIMELINE

Henderson reviewed the Title V timeline beginning in January 2012 which included distributing Community Information Forms to twelve cities, ten counties, and nine tribes, distributing applications to Roberts County, Rosebud Sioux Tribe, City of Huron, and the City of Yankton, and conducting community team trainings at each location. Henderson explained that two applications were submitted for the Council's review, the City of Yankton and Roberts County.

Henderson provided an overview of the City of Yankton's Title V application. Henderson explained that Yankton, through Lewis & Clark Behavioral Health Services Inc., proposed to use Title V funds to implement a juvenile delinquency reduction program called SUCCESS (School Using Coordinated Community Efforts to Strengthen Students). Title V funds would support After School and Summer Youth Support Sessions and Parent Support Sessions which is one of the five primary components of the program. Discussion ensued concerning the substance abuse in Yankton and the benefit of having prevention programs in schools.

Henderson provided an overview of the application from Robert's County. Henderson explained that Roberts County proposed to use Title V funding for the Olweus Bullying Prevention Program through Aliive-Roberts County. Henderson explained that year one of Title V funding would consist of trainings and pre tests in participating schools with full implementation projected for fall 2013. Discussion ensued concerning the Olweus Bullying Prevention Program.

***Dr. Susan Randall moved to approve the two Title V proposals, Judge Jefferies seconded. Motion carried.***

#### 12. JUVENILE DETENTION ALTERNATIVES INITIATIVE (JDAI) UPDATE

Liz Heidelberg presented an overview of Pennington County's Risk Assessment Instrument (RAI) numbers from implementation in January 2012 through March 2012. Heidelberg stated that the use of secure detention was used for twenty three percent of the youth that were given a RAI and that in March 2010, there were twenty nine Pennington County youth in secure detention with only eighteen in March 2011, and thirteen in March 2012. Heidelberg also stated that the use of alternatives to detention has increased from twelve percent in January 2012 to thirty eight percent in March 2012. Heidelberg noted that the use of alternatives would be higher but Pennington County is still getting use to using alternatives and usage is substantially increasing. Discussion ensued concerning the makeup of the local workgroups, additional alternatives for runaways, RAI overrides, the DMC workgroup, and comparisons between the two pilot sites concerning completion of the RAI and governing structures.

Erin Srstka presented an overview of Minnehaha County's Risk Assessment Instrument (RAI) numbers from implementation in January 2012 through March 2012 and JDAI implementation updates from Minnehaha County. Srstka stated that the average daily population in secure detention has decreased to 10.6 youth as compared to 30.8 youth in 2009. Srstka explained that in the first week of implementation, Minnehaha County was utilizing thirty seven percent of their overall capacity of alternatives to detention and that in March alternatives were used at seventy two percent of their overall capacity. Srstka noted that fifty percent of youth had no prior adjudication indicating that Minnehaha County has a high level of low level, first time offenders. Discussion ensued concerning RAI under rides.

Judge Janie Kern requested for the Council of Juvenile Services to send the Co-Chairs in Minnehaha and Pennington Counties a letter stating how pleased the Council is with the work done by the Coordinators and that the Council is hopeful for the steps ahead with JDAI.

Henderson noted that Kevin McLain wanted the Council's input concerning JDAI performance measures. Henderson explained that currently, the population for detention is shown for only Pennington or Minnehaha County and that McLain is wondering if the JDAI Coordinators should show a larger picture of the population in the detention centers. Discussion ensued concerning if the DOC already had the data from other counties and that the data, if needed, should not be required from the JDAI Coordinators.

### 13. APPROVAL OF ANNIE E. CASEY FOUNDATION YEAR 3 BUDGET RECCOMENDATIONS

Henderson explained that the Annie E Casey Foundation Year 2 Grant ends on July 30, 2012 and that there will be a remaining balance of around \$30,000 of the awarded \$71,449. Henderson discussed that last year the left over funds were carried over and combined with the new award, and the end date was kept the same. Henderson presented the DOC staff recommendations of requesting an extension of the combined Year 2 and Year 3 amount of approximately \$80,000 to December 31, 2013 and then to use the combined amount to extend JDAI to two new sites for calendar year 2013. Henderson noted that the two current sites would still be receiving financial support through Formula and JABG allocations through calendar year 2013.

Discussion ensued concerning using the funding for the two current sites verses expanding to additional sites and what Annie E Casey funds can be used for. Dr. Susan Randall wanted to note that her first priority is funding the current sites with her second priority being expanding to new sites.

***Sheriff Leidholt moved to approach the Annie E Casey Foundation to request moving the remaining Year 2 allocation to the Year 3 allocation and extend the combined award through December 31, 2013, Beth O'Toole seconded. Motion carried.***

***Dr. Susan Randall moved to authorize the Executive Committee to determine appropriate use of funding for the Year 3 Annie E Casey Grant, Nancy Allard seconded. Motion carried.***

### 14. ALTERNATIVES TO DETENTION CONFERENCE DISCUSSION

Henderson explained that the dates and location for the Council's Alternatives to Detention Conference have been secured for September 26-27, 2012 at the Holiday Inn City Centre in Sioux Falls and that Stephanie Vetter from the Annie E Casey Foundation will help identify out of state speakers for the conference. Henderson asked the Council for their assistance in the next steps to take in planning the conference, specifically who to invite to the conference. Discussion ensued concerning inviting every county or having a selective group and who to invite from the counties.

### 15. BUDGET STATUS REPORT

Kevin McLain provided a brief overview of the current status of grant funds for the FFY009 Formula Grant allocation over conference call and Live Meeting. McLain noted that there is a projected negative balance in the Jail Removal/Deinstitutionalization of Status Offenders/ Sight and Sound Separation category as Mellette County started accessing county reimbursement funds and has accessed the full amount available to each county of \$20,000 for CY2012 which spent down the category faster than anticipated. McLain stated that he does not foresee any problems with the budget as the FFY2010 award is available to cover costs.

### 16. COMPLIANCE MONITORING REPORT

Joy Ellefson presented an overview of the information that will be submitted in the compliance monitoring report over conference call and Live Meeting. Ellefson explained that for Compliance Monitoring Reporting Year 2011, the state has demonstrated full compliance with de minimus exceptions for deinstitutionalization of status offenders, the state has demonstrated full compliance for separation, and that the state has demonstrated full compliance for jail removal with numerical de minimus. Ellefson reviewed incidents that she was unable to clear and stated that the Valid Court Order Exception was used for seventeen cases and that the three incidents that resulted in a violation were federal cases from Roberts County that were status offenders held in violation. Ellefson noted that the three cases came from tribal court.

### 17. DISPROPORTIONATE MINORITY CONTACT (DMC) UPDATE

Ellefson provided an overview of the status of DMC programs over conference call and Live Meeting. Ellefson noted that the amounts for the subgrantees are different due to the three month extension with additional funds for Minnehaha and Pennington County projects. Ellefson explained that current levels of spending may result in a balance remaining in the DMC program area of around \$25,000.

### 18. OPEN MEETING PRESENTATION

Kevin McLain presented on Open Meeting and Open Records through conference call and Live Meeting. McLain explained that he felt the need to cover the topic to ensure that the Council complies with not only the specific laws, but with the spirit of openness in government operation. McLain provided an overview of South Dakota Codified Laws concerning open meetings along with guidelines from the Attorney General. In conclusion, McLain discussed staff recommendations specific to the Council of Juvenile Services and DOC and the steps DOC staff take to ensure compliance with the laws and guidelines.

#### 19. TRIBAL ADVISORY GROUP UPDATE

Dr. Susan Randall provided an overview of the May 18, 2012 TAG meeting. Randall discussed the key topics of the tribal data books, the “Tribal Juvenile Justice Directory”, JJDPa for juveniles in Indian Country which Patricia Broken Leg Brill from the BIA Office of Juvenile Services presented, the SFY2013 NAP grant opportunity, and alcohol and drug counselor assessments and state courts. Ella Rae Stone noted that Yankton Sioux Tribe’s detention center construction is complete and is hoping to be operating soon. Stone noted that the tribe opted to have the BIA operate the facility for the first three years rather than have the facility run by the tribe. Randall noted that of the nine tribes in South Dakota, four tribes currently have detention centers and two tribes have the facilities but are not in operation at the moment. Randall explained that the next meeting will coincide with the fall Alternatives to Detention Conference and that TAG members will be invited to the conference.

Stone explained that there was a discussion at the meeting about the Chamberlain school not allowing the Honor Song at graduation and that it was requested for the topic to be brought to the Council. Stone stated that it is a school board decision so it does not pertain to TAG or the Council and that it would be up to the community itself to address the issue.

#### 20. JUVENILE JUSTICE UPDATES

Dr. Susan Randall distributed order forms for the “Juvenile Justice Guidebook, 4<sup>th</sup> Edition”. Dr. JC Chambers requested that the Council discuss the topic of contacting the Division of Community Behavioral Health concerning prevention models in schools at the next CJS Meeting.

#### 21. NEXT MEETING LOCATION AND DATES

Henderson explained that the next meeting will be September 25-26, 2012 in Sioux Falls, SD to coincide with the Alternatives to Detention Conference. Henderson noted that the meeting will be structured similar to the June CJS Meeting in that there will be a focus on Minnehaha County JDAI on the first evening followed by Council business the next day.

#### 22. WRAP-UP AND ADJOURN

*At 11:28AM, Virgena Wieseler moved to adjourn, Aaron McGowan seconded. Motion carried.*

*Recorded by Bridget Henderson, Juvenile Justice Specialist*